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OCT 30 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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October 30, 1998

BY HAND DELIVERY

Magalie R. Salas, Esquire

Secretary

Federal Communications Commission

1919 M Street, N.W., Room 222

Washington, DC 20554

Re: Petition for Rulemaking
Belt, Montana

Dear Ms. Salas:

Transmitted herewith on behalf of Belt Broadcasting Company are an original and four copies of its Petition for Rulemaking requesting the Commission to institute a rulemaking proceeding to amend the FM Table of Allotments to allot Channel 269A to Belt, Montana, as that community's first local broadcast service.

Should any questions arise concerning this matter, please communicate directly with this office.

Very truly yours,

FLETCHER, HEALD & HILDRETH, P.L.C.



Andrew S. Kersting

Counsel for

Belt Broadcasting Company

No. of Copies rec'd 014
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Enclosure

cc (w/ encl.): Certificate of Service (by hand)

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. _____
Table of Allotments,) RM No. _____
FM Broadcast Stations,)
(Belt, Montana))

To: Chief, Allocations Branch

PETITION FOR RULEMAKING

Belt Broadcasting Company ("BBC"), by counsel, and pursuant to Section 1.401 of the Commission's rules, hereby requests the Commission to institute a rulemaking proceeding for the purpose of amending the FM Table of Allotments to allot Channel 269A to Belt, Montana, as that community's first local broadcast service. Thus, BBC proposes to amend Section 73.202(b) of the Commission's rules as follows:

	<u>Channel No.</u>	
<u>City</u>	<u>Present</u>	<u>Proposed</u>
Belt, Montana	----	269A

In support of this request, the following is stated:

The city of Belt, Montana, is an incorporated community located in Cascade County, which has a 1990 U.S. Census population of 571.¹ Belt has its own post office, zip code, police

¹ Source: *Rand McNally Commercial Atlas & Marketing Guide*, p. 410 (127th ed.) (1996).

department, city library, and swimming pool.² Local municipal services include a city clerk's office, a transportation and maintenance department, and a weigh station. The Belt community also is served by Belt Valley Bank, the Burlington Northern Railroad Company,³ five churches, Kid's Korner Day Care, and Belt Golden Agers, Inc. (a senior citizens organization). As a representative example of some of the business and other commercial establishments located within the community, the yellow pages contain listings for the County Grill, Pizza Pro, Belt Valley Grocery, J & J Market, Belt Creek Service Center, U-Lazy 6 Custom Furniture, Britton's Sawmill (retail store), and five local bars and/or pubs. Belt also has its own local weekly newspaper, *The Eagle*, which is published in the community and serves the additional nearby communities of Stockett and Highwood, Montana.⁴ BBC respectfully submits that the local community services, organizations, and commercial establishments described above are sufficient to demonstrate that Belt is a community for allotment purposes. *See, e.g., Garrison, Kentucky*, 6 FCC Rcd 1428 (Allocations Branch 1991).

As demonstrated in the attached engineering materials, the proposed site meets the minimum distance separation requirements with respect to all known licenses, construction permits, open allotments, pending applications, and pending rulemaking petitions. *See Attachment A*, p. 1. The engineering exhibit also demonstrates that, from the specified reference coordinates, the proposed

² Unless otherwise indicated, all of the information contained herein regarding the community of Belt, Montana, has been obtained off the Internet (search address *Yahoo Yellow Pages* - Belt, Montana 59412).

³ *Rand McNally Commercial Atlas & Marketing Guide*, p. 410 (127th ed.) (1996).

⁴ *Editor & Publisher*, p. II-48 (77th ed.) (1997).

station would provide a coverage contour in excess of the required 70dBu over the entire community of license. *Id.* at 2.

As stated above, the allotment of Channel 269A will provide Belt with its first local transmission service, which will promote the objectives of Section 307(b) of the Communications Act of providing a fair, efficient and equitable distribution of broadcast stations among the various states and communities,⁵ and promote the third allotment priority established in *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88, 91 (1982).⁶

In the event this petition requesting the allotment of Channel 269A at Belt, Montana, is granted, BBC will file comments in support of the proposed allotment. If the proposed allotment is adopted, BBC will file an application for a construction permit for the new station, and, if its application is granted, will promptly construct the new facility.


WHEREFORE, in light of the foregoing, Belt Broadcasting Company respectfully requests that the Commission GRANT this petition for rulemaking, issue a *Notice of Proposed Rule Making* proposing to AMEND the FM Table of Allotments in the manner set forth herein, and ALLOT Channel 269A to Belt, Montana, as that community's first local broadcast service.

⁵ 47 U.S.C. §307(b). *See National Broadcasting Co. v. U.S.*, 319 U.S. 190, 217 (1943) (describing a goal of the Communications Act to "secure the maximum benefits of radio to all the people of the United States); *FCC v. Allentown Broadcasting Co.*, 349 U.S. 358, 359-62 (1955) (describing a goal of Section 307(b) to "secure local means of expression").

⁶ The criteria for determining the comparative preferability of a proposed FM allotment are (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters. 90 FCC 2d at 91.

Respectfully submitted,

BELT BROADCASTING COMPANY

By: 
Frank R. Jazzo
Andrew S. Kersting

Its Counsel

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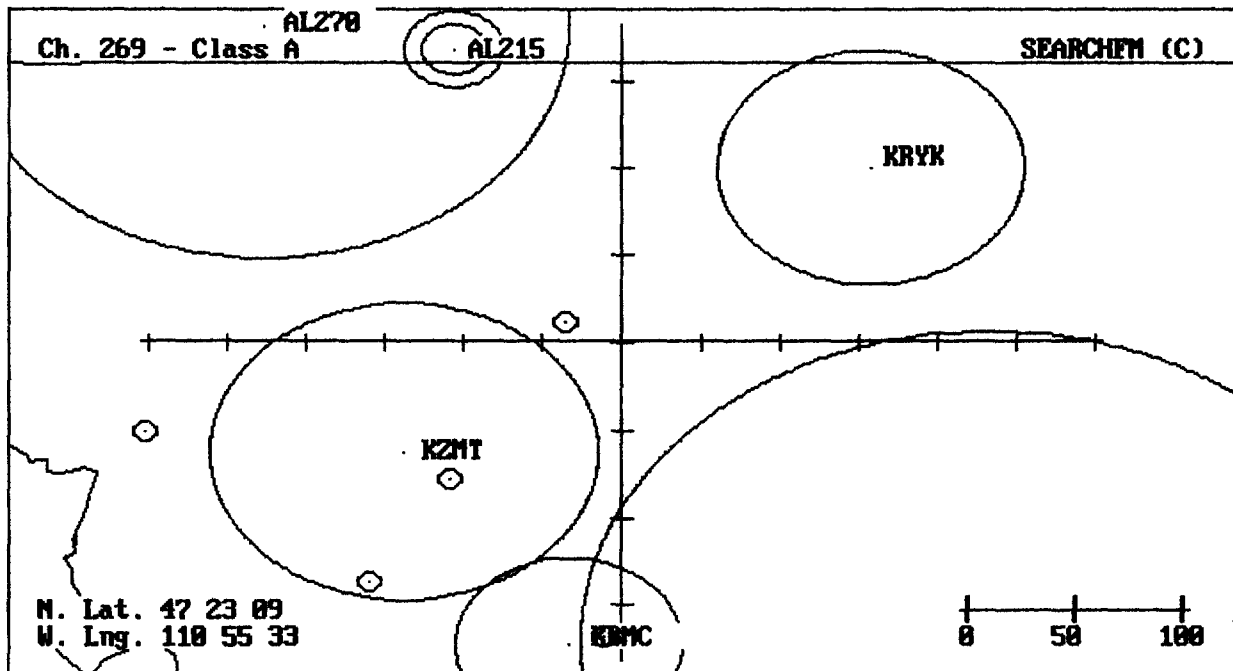
October 30, 1998

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Attachment A

Engineering Materials

Contours Inc.
Charleston SC (888) 697-6630



BELT BROADCASTING COMPANY
BELT, MONTANA

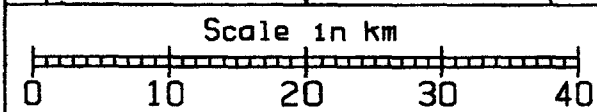
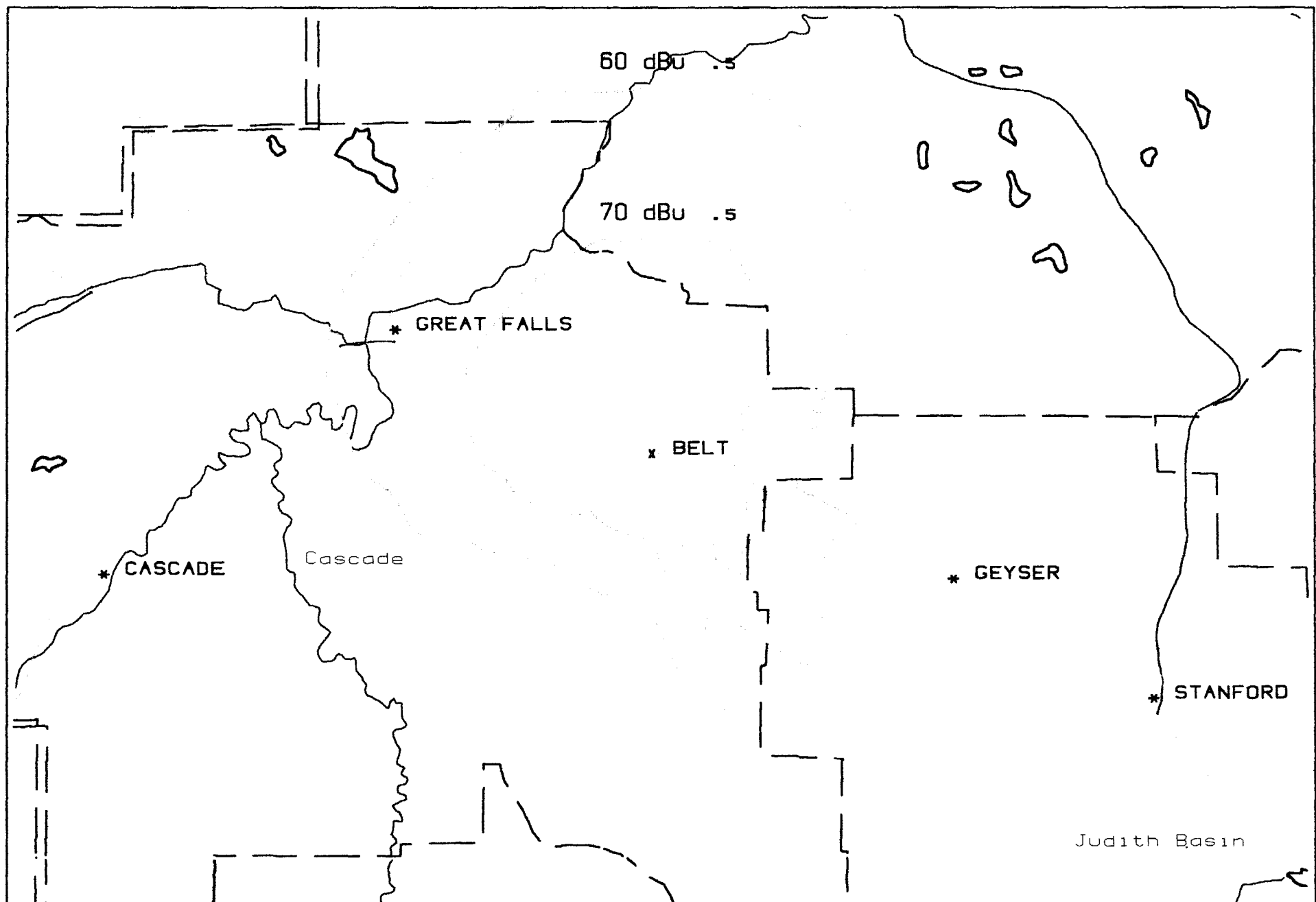
Search 10-29-98

Data 10-23-98

Current rules spacings

CHANNEL 269 -101.7 MHz

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
KZMT	266C	Helena	MT	236.4	128.08	95.0	33.08
KRSQ	269C1	Laurel	MT	136.7	263.68	200.0	63.68
KRYK	267C1	Chinook	MT	47.5	165.34	75.0	90.34
AL270	270B	Cardston	AB	318.9	267.83	149.0	118.83
KBMC	271C2	Bozeman	MT	187.7	196.02	55.0	141.02
AL215	215B1	Milk River	AB	336.5	205.01	24.0	181.01
CBRAFM	215A	Milk River	AB	336.5	205.01	16.0	189.01



BELT BROADCASTING CO. 269A 6kW 100m
N. Lat. 47 23 09 W. Lng. 110 55 33

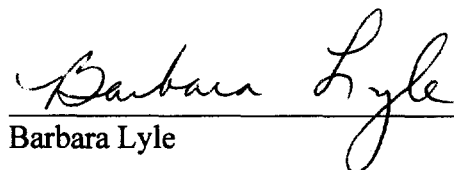
BELT, MONTANA
CONTOURS INC. - 10/98

CERTIFICATE OF SERVICE

I, Barbara Lyle, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., hereby certify that on this 30th day of October, 1998, copies of the foregoing "Petition for Rulemaking" were hand delivered to the following:

John A. Karousos, Chief
Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
2000 M Street, N.W., Room 554
Washington, DC 20554

Ms. Kathleen Scheuerle
Allocations Branch
Policy and Rules Division
Mass Media Bureau
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2000 M Street, N.W., Room 558-A
Washington, DC 20554



Barbara Lyle